

## Overview of the Rule Making Process

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Over the next few months, the Division of Developmental Disabilities (DDD) will be proposing many changes to its rules to implement legislated budget cuts. If you would like to be notified of DDD's rule filings, please send an e-mail with your name and e-mail address to Meredith Kelly, Program Manager, at [kellymj@dshs.wa.gov](mailto:kellymj@dshs.wa.gov) to be added to the Division's mailing list. Most DSHS rules adopted each year follow the regular steps required in state rule-making laws and rules. There are generally five phases that make up the regular rule-making process:

### **Phase 1: CR-101 Notice – Pre-proposal Statement of Inquiry**

This first notice begins most rule-making actions, announcing that DSHS plans to write rules on a particular subject and invites the public to take part in the process. Notices are sent to anyone who has asked to receive DSHS rule-making information and others who may be interested in the subject of the rules.

### **Phase 2: Rule Development**

This phase includes drafting the rules and the economic analyses while involving stakeholders. This phase may take anywhere from a few weeks to a few years, depending on the scope and nature of the rule-making project.

### **Phase 3: CR-102 Notice - Proposed Rule-Making**

This formal notice gives details about the rules that DSHS plans to adopt and specifies who may be affected by the rules. It includes the full text of the proposed new or amended rules and any prepared Small Business Economic Impact Statement (SBEIS). The CR-102 Notice sets the date and place of the required public hearing(s) and the deadline for sending written comments.

### **Phase 4: Public Hearing**

The public hearing allows interested parties to offer formal testimony on the proposed rule. DSHS hearings are generally held in Lacey or Olympia. Most comments on proposed DSHS rules are received by fax, e-mail, or postal mail. Program staff will attend the hearing to answer questions off-the-record only.

### **Phase 5: CR-103 Notice – Permanent Rule-Making Order**

As the last step in rule making, the CR-103 order is filed to adopt the permanent rule. The permanent rule is usually effective 31 days after the CR-103 is filed, with some exceptions.

You also may notice that some budget rules are filed as emergency rules:

### **CR-103 – Emergency Rule-Making Order**

Emergency rule making is the process of adopting temporary rules to meet an urgent or immediate need without first going through the regular rule-making steps. Emergency rules are as enforceable as permanently adopted rules; however, an emergency rule cannot become a permanent rule unless it completes the regular rule-making process described above.